

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAWRENCE CZARNIONKA, individually,
and on behalf of all others similarly situated,

Plaintiff,

v.

THE EPOCH TIMES ASSOCIATION, INC.,

Defendant.

Civil Action No: 1:22-CV-06348-AKH

**JOINT STIPULATION, REPORT AND
PROPOSED ORDER ON A PROPOSED
TECHNICAL EXPERT IN SUPPORT OF
PLAINTIFFS' PRELIMINARY APPROVAL
MOTION**

Plaintiff Lawrence Czarnionka (“Plaintiff”), and Defendant The Epoch Times Association, Inc. (“Defendant” or “Epoch Times”) (together, “the Parties”), stipulate, and request that the Court order pursuant to their stipulation, as follows:

WHEREAS, on September 11, 2023, Plaintiff filed his unopposed motion for preliminary approval of the class action settlement. *See* Dkt. 73.

WHEREAS, the proposed class action settlement contains the following paragraph (2.1) titled “Recognition of Remedial Measures”:

As a result of this litigation, Epoch Times has: (i) removed all Pixels embedded in any webpage on an Epoch Times website accessible in the United States that includes video content and a URL that identifies the specific video requested or obtained from that website webpage and (ii) implemented and completed a process to ensure Epoch Times does not possess “personally identifiable information” (as that term is defined in the VPPA) of Settlement Class Members generated by Pixel. *See* Dkt. 75-1 at 9.

WHEREAS, during the November 30, 2023 conference on the proposed class action settlement agreement, the Court ordered the Parties to agree upon an independent expert to verify that Defendant has complied with Paragraph 2.1 of the operative Settlement Agreement;

WHEREAS, the Parties propose that the Court appoint Serge Egelman as an independent expert to certify that Epoch Times has complied with its obligations under paragraph 2.1 of the settlement agreement;

WHEREAS, Mr. Egelman's resume, which includes his education, professional experience, and publications, can be found at <https://www.guanotronic.com/~serge/cv.pdf> and is also attached as Exhibit A; and

WHEREAS, Mr. Egelman has conducted an independent analysis and determined that data is not being transmitted between the relevant Epoch Times webpages and Meta, which is consistent with Epoch Times removing all Pixels embedded in any webpage on an Epoch Times website accessible in the United States that includes video content and a URL that identifies the specific video requested or obtained from that website webpage.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties through their counsel, subject to the Court's approval, that:

1. Mr. Serge Egelman be appointed as an independent expert to examine whether Epoch Times has removed the Pixels consistent with paragraph 2.1 of the operative Settlement Agreement.
2. Mr. Serge Egelman has completed his examination and determined Epoch Times has complied with its obligations under paragraph 2.1 of the operative Settlement Agreement.

Dated: January 9, 2024

Respectfully submitted,

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Counsel for Defendant The Epoch Times Association, Inc.

**[PROPOSED] ORDER CERTIFYING SERGE EGELMAN AS INDEPENDENT
EXPERT**

Pursuant to stipulation, IT IS SO ORDERED.

DATED:

Hon. Alvin K. Hellerstein
United States District Judge